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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

8 || JOHN B. ODOMS,

9 || Plaintiff,

10 || VS.

11 STATE OF NEVADA *et al.*

12 || Defendants

2:10-cv-01785-JCM-RJJ

## ORDER

Plaintiff has filed a civil rights complaint. Neither a filing fee nor an application to proceed *in forma pauperis* was submitted with the complaint. The action in any event is not cognizable under 42 U.S.C. § 1983, because plaintiff is seeking to challenge the validity and duration of his confinement, with plaintiff expressly seeking modification of his sentence. See, e.g., *Heck v. Humphrey*, 512 U.S. 477, 114 S.Ct. 2364, 129 L.Ed.2d 383 (1994).

19 IT THEREFORE IS ORDERED that this action shall be DISMISSED without prejudice  
20 to the filing of a new properly commenced action with either the required filing fee or a  
21 properly completed application to proceed *in forma pauperis*.

22        The clerk shall send plaintiff two copies each of an *in forma pauperis* application form  
23 for a non-prisoner, a blank noncapital Section 2254 petition form, and a blank Section 1983  
24 complaint form, along with the instructions for each form and a copy of the complaint.

The clerk shall enter final judgment accordingly.

DATED December 21, 2010.

James C. Mahan  
**JAMES C. MAHAN**  
United States District Judge